

April 21, 2004

## **ESTABLISHING COMBAT VETERAN ELIGIBILITY**

**1. PURPOSE:** This Veterans Health Administration (VHA) Directive establishes policy for determining eligibility for Department of Veterans Affairs (VA) health care benefits for recently discharged veterans who served in a theater of combat operations or in combat against a hostile force during a period of hostilities.

## **2. BACKGROUND**

a. VA has the authority to provide medical care and other medical services to combat veterans even in the absence of proof of service connection. Title 38, United States Code (U.S.C.), Section 1710(e)(1)(D), states that a veteran who served on active duty in a theater of combat operations (as determined by the Secretary of Veterans Affairs, in consultation with the Secretary of Defense) during a period of war after the Persian Gulf War, or in combat against a hostile force during a period of hostilities after November 11, 1998, is eligible for hospital care, medical services, and nursing home care for any illness, even if that there is insufficient medical evidence to conclude that such condition is attributable to such service.

b. "Hostilities" is defined as conflict in which the members of the Armed Forces are subjected to danger comparable to the danger to which members of the Armed Forces have been subjected in a theater of combat operations during a period of war. To determine whether a period of hostilities is within the scope of this special authority, VA relies upon the same citation and criterion used to determine eligibility for VA Readjustment Counseling Service contained in 38 U.S.C., Section 1712A(a)(2)(B), as it applies to veterans in service after November 11, 1998. More specifically, criteria used to determine whether a veteran's service meets the qualifications required by statute include: receipt of an expeditionary medal or other combat related medal; service in a location designated by an Executive Order as a combat zone; service in a qualified hazardous duty area as defined by Federal statute that deems such service by a member of the Armed Forces to be the equivalent of service in a combat zone for pay or a tax-related purpose; the receipt of Department of Defense (DOD) Hostile Fire or Imminent Danger pay for serving in the area subject to hostilities; or other factors as may be defined in policy and regulation by the Secretary of Veterans Affairs.

c. National Guard and Reserve personnel who were activated and who served in combat support or direct combat operations during a period of war after the Gulf War, or in combat support or direct combat against a hostile force after November 11, 1998, may also be eligible for the combat related health care benefits under 38 U.S.C. 1710(e)(1)(D). To qualify, they must meet certain requirements, which essentially satisfy the definition of "veteran."

(1) A reservist must have served in the active military, naval, or air service, as defined in Title 38, United States Code (which includes active duty); have been discharged or released under conditions other than dishonorable; and have met the minimum active duty service requirement or been excluded from the requirement.

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(2) National Guard members must meet those same requirements and must also have been ordered to active duty by Federal declaration.

**3. POLICY:** It is VHA policy, in accordance with 38 U.S.C. Section 1710(e)(1)(D), that veterans who served in combat support or direct combat operations during a period of war after the Gulf War, or in combat support or direct combat against a hostile force after November 11, 1998, be provided hospital care, medical services, and nursing home care for any illness potentially related to their service in the combat theater for a 2-year period following separation from military service, even if there is insufficient medical evidence to conclude that such condition is attributable to such service. **NOTE:** *Veterans under this authority may be enrolled as priority category 6 and are eligible for the full medical benefits package; as such they are not subject to co-payments for care potentially related to their combat service.*

### 4. ACTION

#### a. Chief Business Officer (16)

(1) The Chief Business Officer (CBO), or designee, is designated as the lead Veterans Health Administration (VHA) officer for establishing policy in determining veterans' eligibility for health benefits. The CBO, in consultation with the Public Health and Environmental Hazards Office (13), and the Readjustment Counseling Service (15), determines locations, dates of service, and other criteria that are used to identify service in theaters of combat or subject to hostilities.

(2) The CBO is responsible for providing guidance relating to the evidence or documentation needed to determine an individual veteran's eligibility for these combat-related health benefits. **NOTE:** *Specific locations that have been designated as theaters of combat or areas subject to hostilities qualifying for combat veteran status are provided in Attachment A and will be updated as changes in combat designations occur.*

b. **Medical Facility Director.** Each medical facility Director is responsible for ensuring that staff involved in the eligibility process and staff involved in the provision of health care services are also provided guidance for establishing combat veteran eligibility and providing appropriate service to those veterans.

(1) Evidence or documentation that may be accepted as an individual veteran's proof of service in a combat area include: **NOTE:** *Only one is required.*

(a) Notations on the DD 214 of service in a designated combat theater of operations;

(b) Receipt of the Armed Forces Expeditionary Medal; Kosovo Campaign Medal; Global War on Terrorism Expeditionary Medal (does not include Global War on Terrorism Service Medal); Southwest Asia Campaign Medal;

(c) Proof of receipt of Hostile Fire or Imminent Danger Pay (commonly referred to as "combat pay") after November 11, 1998; and

(d) Proof of exemption of Federal tax status for Hostile Fire or Imminent Danger Pay after November 11, 1998.

**NOTE:** *Other evidence may be reviewed on a case-by-case basis.*

(2) The minimum active duty service requirement is the shorter of the following two periods:

(a) The full period for which they were called or ordered to active duty, or

(b) Twenty-four months of continuous active duty.

**NOTE:** *There remain categories of veterans who are expressly excluded by statute from the minimum active duty service requirement; e.g., persons who were discharged or released from active duty for a disability incurred or aggravated in line of duty, those discharged or released from active duty under an early out or hardship discharge, etc.*

(3) Attachment A contains the locations and periods of service that qualify as theaters of combat and should be used to determine eligibility as a combat veteran. **NOTE:** *These criteria will be updated as necessary.*

## 5. REFERENCES

a. VHA Directive 2002-049, Combat Veterans Are Eligible For Medical Services For 2-Years After Separation From Military Service Notwithstanding Lack Of Evidence For Service-Connection, dated September 11, 2002.

b. Patient Referral Eligibility For VA War-Related Illnesses and Injury Study Centers, dated September 23, 2002.

c. Title 38 U.S.C., Sections 1710 and 1712A.

**6. FOLLOW-UP RESPONSIBILITY:** The Chief Business Office (16) is responsible for the contents of this Directive. Questions are to be addressed to Business Policy at 202-254-0329.

**7. RESCISSIONS:** None. This VHA Directive expires September 30, 2007.

S/ Art Hamerschlag for  
Jonathan B. Perlin, MD, PhD, MSHA, FACP  
Acting Under Secretary for Health

Attachment

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## ATTACHMENT A

**COMBAT VETERAN ELIGIBILITY DETERMINATION TABLE**  
**COMBAT ZONES, HOSTILITIES and MEDALS**

The Department of Veterans Affairs (VA) must use and refer to the Department of Defense (DOD) website <http://www.defenselink.mil/comptroller> to maintain the listing of designated hostile fire or imminent danger pay areas. Although DOD Hostile Fire or Imminent Danger pay existed prior to November 11, 1998, only proof of such pay on or after November 11, 1998, is acceptable. **NOTE:** *The DOD website, the definitions, and the table provided in this Attachment should assist in the determination of combat veteran eligibility.*

**1. Definitions**

a. **Combat Service.** Veterans who served in combat during a period of war after the Gulf War, or against a hostile force during a period of hostilities after November 11, 1998, qualify, and are eligible for hospital care, medical services, and nursing home care for 2 years after discharge from the military for any illness.

(1) Co-payments may be charged for those conditions which the Veterans Health Administration (VHA) finds resulted from a cause other than such combat service.

(2) Combat zones are designated by an Executive Order from the President as areas in which the United States (U.S.) Armed Forces are engaging or have engaged in combat. An area usually becomes a combat zone and ceases to be a combat zone on the dates the President designates by Executive Order.

b. **Hostilities or Imminent Danger Pay.** Hostile fire pay is defined as pay to anyone exposed to hostile fire or mine explosion, while imminent danger pay is paid to anyone on duty outside the United States area who is subject to physical harm or imminent danger due to wartime conditions, terrorism, civil insurrection, or civil war.

c. **Medals.** Armed Forces Expeditionary Medal; Global War on Terrorism Expeditionary Medal (does not include Global War on Terrorism Medal); Kosovo Campaign Medal; and Southwest Asia Campaign Medal.

**NOTE:** *This listing is current as of the date of publication of this directive. For the most current listing please see <http://www.defenselink.mil/comptroller/fmr/07a/07A10.pdf>*

**2. Table Designating Hostile Fire or Imminent Danger Pay Areas after November 11, 1998**

AREA	INCLUDES	EFFECTIVE	TERMINATED
Adriatic Sea	Sea area and airspace	Apr 12, 1999	Sep 15, 1999
Afghanistan	Land area and airspace	Nov 11, 1998	
Albania	Land area and airspace	Nov 11, 1998	Mar 31, 2002

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<b>AREA</b>	<b>INCLUDES</b>	<b>EFFECTIVE</b>	<b>TERMINATED</b>
Algeria	Land area	Nov 11, 1998	
Angola	Land area	Nov 11, 1998	
Arabian Peninsula *	Locations and airspace above: Persian Gulf and land area of Saudi Arabia	Nov 11, 1998	
Arabian Peninsula *	Surface area of the following sea boundaries: Red Sea, Gulf of Aden, Gulf of Oman and Arabian Sea	Sep 19, 2001	
Azerbaijan	Land area	Nov 11, 1998	
Bahrain	Land area and airspace	Nov 11, 1998	
Bosnia-Herzegovina	Land area and airspace	Nov 11, 1998	
Burundi	Land area	Nov 11, 1998	
Cambodia	Land area	Nov 11, 1998	Oct 31, 2001
Colombia	Land area	Nov 11, 1998	
Cote D'Ivoire (Ivory Coast)	Land area	Feb 27, 2003	
Croatia	Land area and airspace	Nov 11, 1998	
Djibouti	Land area	July 31, 2002	
East Timor	Land area	Sept 30, 1999	Oct 28, 1999
	Land area and airspace	Oct 29, 1999	Oct 31, 2001
	Land area	Nov 1, 2001	
Egypt	Land area	Nov 11, 1998	
El Salvador	Land area	Nov 11, 1998	May 31, 2001
Eritrea	Land	July 31, 2002	
Ethiopia	Land area	Sep 13, 1999	
Georgia, Republic of	Land area	July 31, 2002	
Greece **	Land area	Nov 11, 1998	
Haiti	Land area	Nov 11, 1998	
Hungary **	Land area	May 31, 1999	Sep 15, 1999
Indonesia	Land area	Oct 31, 2001	
Ionian Sea **	Sea area and airspace	Apr 12, 1999	Sep 15, 1999
Iran	Land area	Nov 11, 1998	
Iraq	Land area and airspace	Nov 11, 1998	
Israel	Land area	Jan 31, 2002	
Italy **	Land area	May 31, 1999	Sep 15, 1999
Jordan	Land area	Nov 11, 1998	

\*Arabian Peninsula and adjacent sea areas that include Bahrain, Oman, Kuwait, Qatar, Saudi Arabia, United Arab Emirates and Yemen.

\*\*For detailed specific information regarding designated hostile fire or imminent danger pay areas for these countries, refer to the website citation.

AREA	INCLUDES	EFFECTIVE	TERMINATED
Kenya	Land area	July 31, 2002	
Kuwait	Land area and airspace	Nov 11, 1998	
Kyrgyzstan	Land area	Sep 19, 2001	
Lebanon	Land area	Nov 11, 1998	
Liberia	Land area	Nov 11, 1998	
Macedonia	Land area and airspace	Nov 11, 1998	
Malaysia	Land area	Oct 31, 2001	
Mediterranean Sea	Sea area	Apr 11, 2003	July 31, 2003
Montenegro	Land area and airspace	Nov 11, 1998	
Oman	Land area	Sep 19, 2001	
Pakistan	Land area	Nov 11, 1998	
Peru	Land area	Nov 11, 1998	Dec 31, 2001
Philippines	Land area	Oct 31, 2001	
Qatar	Land area and airspace	Nov 11, 1998	
Rwanda	Land area	Nov 11, 1998	
Saudi Arabia	Land area and airspace	Nov 11, 1998	
Serbia	Land area and airspace	Nov 11, 1998	
Sierra Leone	Land area	Nov 11, 1998	
Somalia	Land area and airspace	Nov 11, 1998	
Sudan	Land area and airspace	Nov 11, 1998	
Syria	Land area	July 31, 2003	
Tajikistan	Land area	Nov 11, 1998	
Turkey **	Land area and airspace	Nov 11, 1998	
Uganda	Land area	Jan 19, 2000	
United Arab Emirates	Land area	Sep 19, 2001	
Uzbekistan	Land area	Sep 19, 2001	
Yemen	Land area	May 25, 1999	
Yugoslavia	Land area and airspace	Nov 11, 1998	
Zaire	Land area	Nov 11, 1998	

*\*Arabian Peninsula and adjacent sea areas that include Bahrain, Oman, Kuwait, Qatar, Saudi Arabia, United Arab Emirates and Yemen.*

*\*\*For detailed specific information regarding designated hostile fire or imminent danger pay areas for these countries, refer to the website citation.*